

REMARKS

The Applicants have now had an opportunity to carefully consider the remarks set forth in the Office Action mailed June 15, 2006. All of the rejections are respectfully traversed. Amendment, reexamination and reconsideration are respectfully requested.

The Office Action

In the Office Action mailed June 15, 2006:

claim 11 was objected to under 37 C.F.R. 1.75(c) for depending from itself;

claims 1-3, 6, 7, 10, 17-21, 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0044050 by Clark, et al. ("Clark") in view of U.S. Patent Application Publication No. 2004/0161079 by Virzi, et al. ("Virzi");

claims 4, 5, 11-16, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Virzi and further in view of U.S. Patent Application Publication No. 2004/0133582 by Howard, et al. ("Howard"); and

claims 8, 9, 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Virzi and further in view of U.S. Patent Application Publication No. 2003/0163739 by Armington, et al. ("Armington").

The Present Application

By way of brief review, the claims of the present application are directed toward systems and methods for identifying a calling party to a called party before the called party answers a call. The identification is based on biometric information such as, for example, retinal scan information or facial recognition information. The biometric information is used to access an identity database. If the biometric information matches a record in an identity database, identity information is retrieved regarding the calling party and an MSC_Network Origination message including the identity information retrieved from the identity database is transmitted.

It is respectfully submitted that one of ordinary skill in the art would understand that an MSC_Network Origination message is a message generated and transmitted by an originating mobile switching center. Additionally, it is respectfully submitted that one of ordinary skill in the art would understand that an originating mobile switching center is a switching center through which a calling party using a mobile device gains access to a

telecommunications network. That is, an originating mobile switching center (e.g., see FIG. 3, 322, of the present application) is the switching center that requests and establishes appropriate network connections on the behalf of the mobile calling party (e.g., 310). Further in this regard, it is respectfully submitted that one of ordinary skill in the art would understand that a terminating switching center is the final switching center and is the switching center that provides a last leg of a connection to the called party. Furthermore, it is respectfully submitted that one of ordinary skill in the art would understand that terminating switching centers do not transmit origination messages.

The Cited References

In contrast, none of the cited references disclose or suggest an originating switching center receiving or determining identification information using biometric information and generating and transmitting a network origination message including the identification information.

For example, even if Clark discusses a system and method for biometric identification, and even if Clark suggests that a wireless communications network could be used to contact a message recipient, Clark does not disclose or suggest transmitting an MSC_Network Origination message or a Network Origination message of any kind.

In support of an assertion to the contrary, the Office Action directs the attention of the Applicants to reference numeral 170 of Clark. However, reference numeral 170 identifies a communications network (paragraph 25). Even if Clark suggests that the communications network could be a wireless communications network, Clark does not disclose or suggest the transmission of an MSC_Network Origination message. Moreover, Clark does not disclose or suggest an MSC Network Origination message that includes the identity information retrieved from an identity database. Even if the suggestion of the use of a wireless network could be construed to suggest the further detail of an MSC_Network Origination message, it is respectfully submitted that Clark cannot be further construed to suggest that the MSC_Network Origination message itself includes the identity information. Indeed, it is respectfully submitted that the message 180 of Clark is in-band traffic such as a message transmitted to a PDA, such as sale information transmitted to an individual that is recognized while entering a certain department store (see paragraph 25 of Clark) and not an out-of-band control message, such as an MSC_Network Origination message.

It is respectfully submitted that the secondary references do not cure the deficiencies of Clark.

For example, Virzi allegedly discloses methods and systems for routing a call. However, Virzi does not disclose or suggest an origination message. Moreover, Virzi does not disclose or suggest a network origination message including identification information. Indeed, it is respectfully submitted that in the system of Virzi, it is a terminating central switching office (CSO 22) and not an originating switching center (e.g., origination CSO 20) that routes a call to the intelligent peripheral (e.g., IP 32) to determine the identity of the calling party (paragraphs 76 and 77). Accordingly, it is respectfully submitted that Virzi does not disclose or suggest transmitting an MSC_Network Origination message including identification information as recited in independent **claims 1, 10 and 19** of the present application.

Howard allegedly discloses systems and methods for recognition of individuals using multiple biometric searches. However, it is respectfully submitted that Howard does not disclose or suggest switching offices or centers, mobile switching centers, network origination messages, MSC_Network Origination messages or MSC_Network Origination messages that include identification information retrieved from an identity database using biometric information.

Armington allegedly discloses robust multi-factor authentication for secure application environments. However, it is respectfully submitted that even if Armington mentions a telephone network 160 and telephone system interface 220, Armington does not disclose or suggest switching offices or switching centers, origination messages, network origination messages, MSC_Network Origination messages or MSC_Network Origination messages that include identification information retrieved from an identity database using biometric information.

The Claims are Properly Dependent

Claim 11 was objected to under 37 C.F.R. 1.75(c) as being improperly dependent upon itself. However, **claim 11** has been amended to depend from **claim 10** (as was assumed by the Examiner). Accordingly, withdrawal of the objection to **claim 11** is respectfully requested.

The Claims are not Obvious

Claims 1-3, 6, 7, 10, 17-21, 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Virzi.

In explaining the rejections of **claims 1, 2, 7, 19, 20 and 25**, the Office Action asserts that Clark, in FIGS. 1-3, discloses a method for identifying a sender. However, independent **claim 1** recites a method for identifying a calling party, and independent **claim 19** recites a system for identifying a calling party. It is respectfully submitted that Clark does not disclose or suggest a calling party. Moreover, it is respectfully submitted that Clark does not disclose or suggest methods for identifying anyone who could be fairly classified as a "sender." Instead, in the system of Clark, it is respectfully submitted that biometric sensors 110 observe a general population 100. When a match 255 is found between someone in the general population 100 and biometric signatures in a set of biometric action data 250, the system (e.g., 601) of Clark takes particular actions including, for example, preparing a message and sending a message (e.g., 265, 270). In this regard, it is respectfully submitted that Clark does not disclose or suggest a method for identifying a sender or a caller.

In further explanation of the rejections of **claims 1, 2, 7, 19, 20 and 25**, the Office Action asserts that Clark discloses retrieving identity information regarding the calling party. However, it is respectfully submitted that there is no calling party in the system or methods discussed by Clark. Accordingly, Clark does not disclose or suggest retrieving identity information regarding a calling party.

Additionally, the Office Action asserts that Clark discloses transmitting an MSC_Network Origination message including the identity information retrieved from the identity database. However, as discussed above, it is respectfully submitted that Clark does not disclose or suggest transmitting an MSC Network Origination message. Reference numeral 170, cited by the Office Action, identifies a communications network which might be some form of wireless network (e.g., paragraph 25). However, it is respectfully submitted that the mere suggestion of wireless communication does not disclose or suggest the transmission of an origination message. Moreover, it is respectfully submitted that the suggestion of a wireless communications network does not disclose or suggest an origination message including identification information retrieved from an identity database using biometric information. Furthermore, it is respectfully submitted that the suggestion that a communications network might be

wireless does not disclose or suggest the transmission of an MSC Network Origination message or an MSC Network Origination message including identity information retrieved from an identity database using biometric information, as recited, for example, in independent **claims 1, 10 and 19**.

Since Clark does not disclose or suggest all of the information for which it is relied, it is respectfully submitted that **claims 1, 10 and 19**, as well as **claims 2-9, 11-18 and 20-27**, which depend respectively therefrom, are not anticipated and are not obvious in light of Clark and Virzi.

Additionally, the Office Action stipulates that Clark does not disclose identifying a calling party to a called party before the called party answers a call and relies on Virzi for this disclosure. However, Virzi does not remedy the deficiencies of Clark. For example, as discussed above, Virzi does not disclose or suggest transmitting an MSC Network Origination message including identity information retrieved from an identity database using biometric information or otherwise. It is respectfully submitted that one of ordinary skill in the art would understand that origination messages are transmitted by originating devices, such as originating switching centers or switching offices. Since paragraphs 76 and 77 of Virzi make it clear that it is a terminating CSO (22) and not an originating CSO (e.g., 20) that routes the call to the IP 32 to determine the identity of the calling party, it is respectfully submitted that **Virzi cannot disclose or suggest transmitting an origination message** including identity information because identity information is not available in the system of Virzi until well after an origination message might be called for.

For at least the foregoing additional reasons, independent **claims 1, 10 and 19**, as well as **claims 2-9, 11-18 and 20-27**, which depend respectively therefrom, are not anticipated and are not obvious in light of Clark and Virzi.

The Office Action does not provide an explanation for the rejection of **claim 2** or **claim 20**. However, it is respectfully submitted that Clark and Virzi do not disclose or suggest receiving an origination message including biometric information, thereby receiving the biometric information. As explained above, it is respectfully submitted that neither Clark nor Virzi disclose or suggest origination messages. It is respectfully submitted that, as depicted, for example, in FIG. 3 of the present application, that origination messages (e.g., 314, 360) are transmitted by devices involved in the origination of a call, such as, for example, a device used by a user to place a call (e.g.,

310) and/or an originating switching office or switching center (e.g., 322). Clark does not disclose or suggest a caller or calling device or an originating switching office. Accordingly, Clark cannot disclose or suggest receiving an origination message or receiving an origination message including biometric information or means therefor. In the system of Virzi, the identity of the calling party is not determined until the terminating CSO 22 routes the call to the IP 32 and the IP 32 determines the identity of the calling party by, for example, interacting with the calling party (paragraphs 77 and 78). Accordingly, Virzi does not disclose or suggest receiving an origination message (e.g., 314 of FIG. 3 of the present application) that includes biometric information or means therefor as recited in **claims 2 and 20** of the present application.

For at least the foregoing additional reasons, **claims 2 and 20** are not anticipated and are not obvious in light of Clark and Virzi.

Claims 3, 6 and 7 and 21, 24 and 25 depend from **claims 1 and 19**, respectively, and are not anticipated and are not obvious for at least that reason.

The explanation for the rejection of **claim 10** makes similar assertions regarding the disclosure of Clark to those made with respect to **claims 1, 2, 7, 19, 20 and 25**. Accordingly, arguments similar to those submitted in support of those claims are submitted in support of **claim 10**. Clark does not disclose or suggest a system operative for identifying a “sender” or a calling party (note, **claim 10** recites a system operative to identify a calling party (and not a sender)). Clark does not disclose or suggest a switching center operative to receive biometric information regarding a calling party, or even regarding a “sender” as asserted by the Office Action. Additionally, Clark does not disclose or suggest a switching center operative to transmit an MSC_Network Origination message including identity information from an identity database accessible, at least in part, through the use of biometric data.

For at least the foregoing reasons, **claim 10**, as well as **claims 11-18**, which depend therefrom, is not anticipated and is not obvious in light of Clark and Virzi.

With regard to **claims 17 and 18**, the Office Action asserts that Clark discloses, in FIG. 2, wherein the switching center is operative to receive raw biometric data and directs the attention of the Applicants to reference numeral 235. However, FIG. 2 of Clark does not depict a switching center. FIG. 2 of Clark is a flow chart showing biometric sensors capturing biometric data and processing the information (paragraph 17). Reference numeral 235 identifies a step. Even if that step includes receiving

biometric data, the step does not disclose or suggest a switching center receiving biometric data. Furthermore, Clark does not disclose or suggest receiving parameterized biometric data from a piece of user equipment. Reference numerals 205, 215 and 225 do not identify equipment of the identified member of the general population. Therefore, it is respectfully submitted that they are not fairly construed to be pieces of user equipment as recited in **claims 17 and 18**. Furthermore, reference numerals 205, 215 and 225 identify biometric sensors (paragraph 26). Paragraph 27 indicates that the output of the biometric sensors 205, 215 and 225, received at step 235, includes location ID and the raw biometric data. It is respectfully submitted that parameterized biometric data is not available in the system of Clark until at least step 240 wherein the biometric signature is computed (paragraph 27). Accordingly, Clark does not disclose or suggest a switching center that is operative to receive parameterized biometric data from a piece of user equipment used by a calling party and to use the parameterized biometric data as a key or index into the identity database. Furthermore, it is respectfully submitted that Virzi does not cure these deficiencies of Clark. In Virzi the switching centers do not receive biometric data. Instead, IP 32 receives a voice response (paragraph 78). The voice response is compared to voice templates. It is respectfully submitted that Virzi does not disclose or suggest parameterizing biometric data. Furthermore, even if Virzi could be construed to disclose parameterizing biometric data, Virzi does not disclose or suggest a piece of user equipment used by the calling party generating or providing the parameterized biometric data or receiving parameterized biometric data from user equipment used by the calling party.

For at least the foregoing additional reasons, **claims 17 and 18** are not anticipated and are not obvious in light of Clark and Virzi.

Claims 4, 5, 11-16, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Virzi and further in view of Howard. However, **claims 4, 5, 11-16, 22 and 23** depend from **claims 1, 10 and 19**, respectively, and are not anticipated and are not obvious for at least that reason.

Additionally, **claim 11** recites the switching center is operative to receive retinal scan information as the biometric data. Clark, Virzi and Howard do not disclose or suggest a switching center that is operative to receive retinal scan information as biometric data for use in accessing an identity database. Even if Howard discusses

retinal scan data, Howard does not cure the deficiencies of Clark and Virzi related to the lack of disclosure of a switching center operative to receive biometric information or, more particularly, retinal scan information. In explaining the rejection of **claims 4, 5, 11-16, 22 and 23**, the Office Action directs the attention of the Applicants to paragraph 105 of Howard. However, **claim 12** recites the system of **claim 11** further comprising a piece of communications equipment adapted to collect retinal scan information and transmit the retinal scan information to the switching center. It is respectfully submitted that paragraph 105 of Howard indicates that the system 5 includes an image/data capture system 15, which can be any system capable of acquiring images and/or data that can be used "for biometric system." However, paragraph 105 does not disclose or suggest a piece of **communications equipment** adapted to collect retinal scan information. Or a piece of communications equipment adapted to transmit retinal scan information to a switching center as recited in **claim 12**.

Claim 13 recites wherein the piece of communications equipment is adapted to collect the retinal scan information from a user of a piece of communications equipment each time a call is to be placed and to transmit the retinal scan information as part of a mobile origination message. It is respectfully submitted that Clark, Virzi and Howard do not disclose or suggest a piece of communications equipment adapted to collect retinal scan information from a user each time a call is to be placed and to transmit the retinal scan information as part of a mobile origination message.

Claim 14 recites the piece of communications equipment is adapted to collect retinal scan information from a user of the piece of communications equipment upon receiving a request for retinal scan information from the switching center. It is respectfully submitted that Clark, Virzi and Howard do not disclose or suggest receiving a request for retinal scan information from a switching center. Moreover, Clark, Virzi and Howard do not disclose or suggest a piece of communications equipment adapted to collect retinal scan information from a user of the piece of communications equipment upon receiving a request for retinal scan information from the switching center.

Claim 15 recites a piece of communications equipment adapted to collect and transmit facial image information to the switching center each time a call is to be placed and to transmit the facial image information as part of a mobile origination message.

Claim 16 recites subject matter similar to **claim 15** except that the facial image

information is collected and transmitted upon receiving a request for facial image information from the switching center. It is respectfully submitted that Clark, Virzi and Howard do not disclose or suggest collecting and transmitting facial information to a switching center each time a call is to be placed or upon receiving a request for facial information from the switching center. Additionally, Clark, Virzi and Howard do not disclose or suggest transmitting facial image information as part of a mobile origination message.

For at least the foregoing additional reasons, **claims 11-16** are not anticipated and are not obvious in light of Clark, Virzi and Howard.

Claims 8, 9, 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in view of Virzi and further in view of Armington. However, **claims 8 and 9** depend from **claim 1**, and **claims 26 and 27** depend from **claim 19**, and are not anticipated and are not obvious for at least those reasons.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

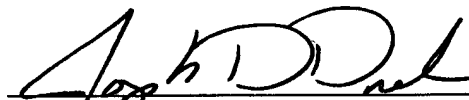
Claims 1-27 remain in the application. The specification and **claims 11 and 18** have been amended to correct typographical errors. For at least the foregoing reasons, **claims 1-27** in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

August 30, 2006

Date




Joseph O. Dreher, Reg. No. 37,123
Thomas Tillander, Reg. No. 47,334
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date August 30, 2006	Printed Name Iris E. Weber

N:\LUTZ\200245\IEW0004605V001.doc